

IN THE UNITED STATES DISTRICT COURT
for the
DISTRICT OF VERMONT

LINDSAY COBB,
Plaintiff,

v.

UNIFUND CCR, LLC,
BAUER, GRAVEL, FARNHAM,
JOHN J. BALKUNAS JR., and
ROBIN VESZPREMY

Defendants.

Docket No. 5:14-cv-00254

**DEFENDANTS' MEMORANDUM UPDATING COURT AS TO
STATUS OF STATE ACTION**

Pursuant to the Court's directive in its June 2, 2015 Ruling on Motion to Stay Proceedings, Defendants Unifund CCR, LLC, Bauer Gravel Farnham, John J. Balkunas, Jr., and Robin Veszpremy ("Defendants") provide the following update to the Court on the status of the state action of Unifund CCR, LLC v. Lindsay Cobb, Docket No. 166-4-14 Wmcv:

Defendants and Mr. Cobb each have pending a motion for summary judgment. The trial court has not ruled on either dispositive motion. On November 19, 2015, the trial court granted Mr. Cobb's motion to stay activity and discovery in that case until a decision is reached by the Vermont Supreme Court in *Unifund CCR Partners v. Daniel Zimmer*, Supreme Court Docket No. 2015-086. The trial court stated that "a stay is warranted because an issue on appeal in *Zimmer* may be dispositive of Unifund's claims in this case." The trial court further stated it "will defer a ruling on the pending motions for summary judgment until the determination of the appeal in *Zimmer*." To date, the Vermont Supreme Court has not decided the *Zimmer* case.

Respectfully submitted,

/s/ Elizabeth M. Shaffer, Esq. _____

Alan H. Abes, Esq.

Elizabeth M. Shaffer, Esq.

Dinsmore & Shohl LLP

255 E. 5th St., Suite 1900

Cincinnati, OH 45202

Telephone: 513.977.8128

Facsimile: 513.977.8141

E-mail: alan.abes@dinsmore.com

E-mail: elizabeth.shaffer@dinsmore.com

Nicole A. Killoran, Esq.

Bauer Gravel Farnham, Attorneys at Law

401 Water Tower Circle, Suite 101

Colchester, VT 05446

Telephone: 802.863.5538

Facsimile: 802.864.7779

E-mail: nkilloran@vtlawoffices.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of February, 2016, a true and correct copy of the foregoing was served via CM/ECF filing to the following:

C. Creek Kelsey, Esq.
Law of the Public Interest, L3C
98 Norford Lake Road
Thetford Center, VT 05075

Attorney for Plaintiff

/s/ Elizabeth M. Shaffer, Esq.